

SENATE BILL 744  
By Miller

AN ACT to amend Tennessee Code Annotated, Title 11;  
Title 43 and Title 44, relative to agriculture.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-11-403, is amended by deleting such section in its entirety and substituting instead the following language:

(a) Agricultural liming materials sold, offered or exposed for sale in the state shall have affixed to each package in a conspicuous manner on the outside thereof, a plainly printed, stamped or otherwise marked label, tag or statement, or in the case of bulk sales, a delivery slip, setting forth at least the following information:

(1) The name and principal office address of the manufacturer or distributor;

(2) The brand or trade name of the material;

(3) The identification of the product as to the type of the agricultural liming material;

(4) The net weight of the agricultural liming material;

(5) The minimum percentage of calcium oxide and magnesium oxide and/or calcium carbonate and magnesium carbonate;

(6) Calcium carbonate equivalent as determined by methods prescribed by the Association of Official Analytical Chemists and as specified in subsection

(f). Minimum calcium carbonate equivalents shall be as prescribed by regulation;

(7) The minimum percent by weight passing through United States standard sieves as prescribed by regulations and as specified in subsection (f);  
and

(8) The minimum guaranteed content of available potassium (expressed as soluble Potash,  $K_2O$ ) or phosphorous (expressed as phosphoric acid,  $P_2O_5$ ) if claimed.

(b) No information or statement shall appear on any package, label, delivery slip or advertising matter which is false or misleading to the purchaser as to the quality, analysis, type or composition of the agricultural liming material.

(c) In the case of any material which has been adulterated subsequent to packaging, labeling or loading thereof and before delivery to the consumer, a plainly marked notice to that effect shall be affixed by the vendor to the package or delivery slip to identify the kind and degree of such adulteration.

(d) At every site from which agricultural liming materials are delivered in bulk and at every place where consumer orders for bulk deliveries are placed, there shall be conspicuously posted a copy of the statement required by this section for each brand of material.

(e) When the commissioner finds, after public hearing following due notice, that the requirement for expressing the calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among the states, the commissioner may require by regulation thereafter that the minimum percentage of calcium oxide and magnesium oxide and/or calcium carbonate and magnesium carbonate shall be expressed in the following form:

Total calcium (Ca) ..... \_\_\_\_ percent

Total magnesium (Mg) ..... \_\_\_\_ percent

provided, that the effective date of such regulation shall be not less than six (6) months following the issuance thereof; and provided further, that for a period of two (2) years following the effective date of the regulation, the equivalent of calcium and magnesium may also be shown in the form of calcium oxide and magnesium oxide and/or calcium carbonate and magnesium carbonate.

(f)

(1) Agricultural liming materials sold, offered for sale or distributed in packages weighing more than one hundred pounds (100 lbs.) or in bulk in this state shall indicate the calcium carbonate equivalent, the percentage of product passing through the United States standard sieve sizes of 10-mesh and 40-mesh screen and the relative neutralizing value (RNV) by affixing such information to each package in a conspicuous manner on the label, tag or statement, or in the case of bulk sales on a delivery slip.

(2) If the use of a 60-mesh screen is used in calculating the relative neutralizing value (RNV), the percentage of product passing through such screen shall also be indicated in addition to the requirements of subsection (a).

(3) Agricultural liming materials sold, offered for sale or distributed in packages of one hundred pounds (100 lbs.) or less shall indicate the calcium carbonate equivalent and the percentage of product passing through the United States standard sieve sizes of 10-mesh or 40-mesh screens by affixing such information to each package in a conspicuous manner on the label, tag or statement.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it